

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES**

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**Case Title:** Terry LaVon Jacobs

**Case No.:** 21-10681 - B - 13

**Docket Control No.** PBB-3

**Date:** 07/30/2021

**Time:** 9:30 AM

**Matter:** [45] - Motion/Application to Confirm Chapter 13 Plan [PBB-3]  
Filed by Debtor Terry LaVon Jacobs (hlum)

**Judge:** René Lastreto II

**Courtroom Deputy:** Carina Weed

**Reporter:** Not Recorded

**Department:** B

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**APPEARANCES for:**

**Movant(s) :**

None

**Respondent(s) :**

None

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**CIVIL MINUTES**

Motion Granted, Resolved without Oral Argument

The Moving Party shall submit a proposed order in conformance with the ruling below.

Terry LaVon Jacobs ("Debtors") seeks confirmation of this First Modified Chapter 13 Plan. Doc. #45. No parties in interest timely filed written opposition.

This motion was set for hearing on July 28, 2021 with 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). Doc. #46. The court rescheduled that hearing to July 30, 2021. Doc. #62. The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest were entered and the matter was resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages).

*Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The motion was GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.